

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES COBB,
Plaintiff(s),
v.
UNITED STATES OF AMERICA
Defendant(s).

Case No. 2:21-cv-00677-GMN-NJK

Order

[Docket No. 20]

Pending before the Court is Defendant's motion to stay discovery, which is unopposed.

Docket No. 20. The Court does not require a hearing on the motion. *See Local Rule 78-1.*

15 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*
16 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

17 Defendant seeks a stay of discovery pending resolution of its motion seeking sanctions for
18 alleged discovery violations. *See* Docket No. 19. A sufficient showing has not been made that a
19 stay of discovery is warranted. It is counterintuitive to issue an order stopping discovery predicated
20 on an argument that an opposing party has not been engaging in discovery.¹ Indeed, in the event
21 the opposing party eventually engages in discovery, albeit in belated fashion, such efforts may be
22 pertinent to whether sanctions are imposed and, if so, which sanctions are imposed. *Cf. United*
23 *States ex rel. Wiltec Guam, Inc. v. Kahaluu Constr. Co.*, 857 F.2d 600, 604 (9th Cir. 1988).

¹ A motion to stay discovery is typically filed pending resolution of a motion to dismiss, which is by its nature designed to enable a challenge to the pleadings without the need to obtain discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011).

1 Accordingly, the motion to stay discovery is **DENIED**.
2 IT IS SO ORDERED.
3 Dated: April 26, 2022

4 
5 Nancy J. Koppe
6 United States Magistrate Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28